

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SAM HARGROVE, ANDRE HALL, and
MARCO EUSOBIO, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

SLEEPY'S LLC,

Defendant.

Civil Action No. 10-1138 (PGS)

**CLERK'S ORDER
DISMISSING DEFENDANT'S
MOTION TO TAX COSTS
AS MOOT**

Whereas Defendant Sleepy's LLC ("Defendant") has filed an amended motion for a bill of costs pursuant to Fed. R. Civ. P. 54(d) (1) and Local Civil Rule 54.1 [Dkt. Entry 91] and;

Whereas the Third Circuit Court of Appeals has vacated the district court's judgment in favor of Defendant [Dkt. Entry 99] and;

Whereas Defendant is no longer a "prevailing party" within the meaning of Fed. R. Civ. P. 54(d) (1) and therefore, not entitled to relief under Fed. R. Civ. P. 54(d) (1);

It is hereby ordered that Defendant's amended motion for a bill of costs is hereby dismissed as moot.

William T. Walsh, Clerk

By: S/John T. O'Brien
Deputy Clerk

Date: July 13, 2015